

**GEORGIA BOARD OF CHIROPRACTIC EXAMINERS**  
**Board Meeting**  
**March 8, 2012 • 10:05 a.m.**  
**Professional Licensing Boards**  
**237 Coliseum Drive, Macon, GA**

Members present

Dr. Karen Mathiak  
Dr. David Wren  
Dr. Chris Nelson  
Dr. Greg Baker

Others present

Dr. Rob Alpert  
Morgan Bennett  
Eric Lacefield  
Tawny Mack  
Anita Martin  
Amy Morelli  
Dr. Pat Sallarullo  
Brittney Pullen  
Carol White

**RULE HEARING**

Dr. Mathiak called the Rule Hearing to order at 10:25 a.m. for Board Rule 100-5-.02 – Approval of Educational Programs. There were no written or public comments received on this board rule. Dr. Mathiak adjourned the Rule Hearing at 10:26 a.m.

**OPEN SESSION**

1. Introduction of Visitors
2. Approval of minutes from the January 12, 2012 conference call board meeting. Dr. Baker made a motion approve. Dr. Nelson seconded the motion and it carried unanimously.
3. Licenses to ratify-Dr. Baker made a motion to ratify the licenses. Dr. Nelson seconded the motion and it carried unanimously.
4. Consideration to adopt Board Rule 100-5-.02 Approval of Educational Programs –Dr. Wren made a motion to adopt the rule as posted. Dr. Baker seconded the motion and it carried unanimously.
5. Rule Waiver request from Yolanda Ramirez, D.C. re: Board Rule 100-2-.02 License Renewal. Dr. Wren made a motion to deny the request. The board requested additional information from licensee. Upon receipt of requested documentation the board will reconsider at their next board meeting. Dr. Nelson seconded the motion and it carried unanimously.

6. Correspondence from Joel Groft, D.C. – Dr. Baker made a motion to refer Dr. Groft to Board Rule 100-4-.01 – Advertising. Dr. Wren seconded the motion and it carried unanimously.

Dr. Baker made a motion to post an amendment to Board Rule 100-4-.01 – Advertising Dr. Wren seconded the motion and it carried unanimously.

### **100-4-.01 Advertising.**

(1) Defined. Advertising shall mean any information communicated in a manner designed to attract public attention to the practice of the licensee or the chiropractic profession. Advertising shall include but not be limited to any communication which is published, displayed, printed, broadcast, or spoken including the use of newspapers and other publications, telephone directories, pamphlets, handouts, billboards, window displays, radio, television, telephone, computer, internet, fax or other telecommunication device or any other means or medium.

(2) A licensee shall not make any false, misleading, or deceptive communication in any form of advertising nor shall the licensee utilize any form of advertising which has the capacity or tendency to deceive, mislead, or confuse the recipient in any manner including but not limited to the following:

(a) Advertising which contains a misrepresentation of any fact or facts including advertising which has the capacity or tendency to mislead, deceive, or confuse any potential recipient either through false or misleading claims or by failing to disclose relevant or material facts;

(b) Advertising which conveys the impression of professional superiority or other superior attributes that cannot be substantiated. Licensees may not advertise that they have certifications or have attained diplomate status without having been conferred the title of diplomate or having received certifications. ~~by one or more of the following boards:~~

~~(i) Diplomate American Chiropractic Board of Radiology (DACBR);~~

~~(ii) Diplomate American Chiropractic Rehabilitation Board (DACRB);~~

~~(iii) Diplomate American Chiropractic Board of Nutrition (DACBN);~~

~~(iv) Diplomate American Board of Chiropractic Internists (DABCI);~~

~~(v) Certification Chiropractic Sports Physicians (CCSP);~~

~~(vi) Diplomate American Board of Chiropractic Orthopedics (DABCO);~~

~~(vii) Diplomate American Board of Forensic Professionals (DABFP);~~

~~(viii) Diplomate American Chiropractic Academy of Neurology (DACAN);~~

~~(ix) Certification American Chiropractic Board of Thermologists (CACBT);~~

~~(x) Diplomate American Board of Chiropractic Neurology (DABCN);~~

~~(xi) Diplomate American Chiropractic Board of Sports Physicians (DACBSP);~~

~~(xii) Diplomate American Chiropractic Board of Occupational Health (DACBOH);~~

~~(xiii) Diplomate American Chiropractic Neurology Board (DACNB);~~

(c) Advertising that has the capacity or tendency to create false or unjustified expectations of beneficial treatment or successful cures;

(d) Advertising that contains any guarantee of the results of any services;

(e) Advertising of services that the licensee is not licensed to perform in this state;

(f) Advertising, including that place in a classified or telephone directory, under a heading which may foster confusion about the professional status of the chiropractor or under a professional heading in which the chiropractor is not licensed;

(g) Advertising a transaction that is in itself illegal;

(3) Chiropractors licensed under this chapter may only use the terms chiropractor,

chiropractors, doctors(s) of chiropractic, and/or D.C. The use of the term Chiropractic Physicians is not authorized.

(4) Licensees may advertise that they will perform designated chiropractic services free or at a discount if, in fact, no compensation in any form for such services will be requested from the patient, their insurer, or any third party subject to the following provisions:

(i) A detailed account of the advertised services being offered free or at a discount must be presented in writing to, and signed by, the patient, clearly explaining that **ANY FURTHER TREATMENT WILL BE PROVIDED AT RATES REGULARLY CHARGED BY THIS OFFICE**. A copy of this document must be given to the patient and the original must be maintained in the patient record in keeping with Rule 100-10-.01(h)(i) which requires that such records be retained for not less than seven (7) years from the date of service.

(ii) If a charge is made for any service rendered on the same day that an advertised free or discounted service is rendered, a detail account of those services offered for a fee must be provided in writing to, and signed by the patient, clearly explaining that these treatments are not a part of any offer of free or discounted services. A copy of this document must be given to the patient and the original must be maintained in the patient record in keeping with Rule 100-10-.01(h)(i) which requires that such records be retained for not less than seven (7) years from the date of services.

(iii) For the purpose of this Section, no separate charge shall be made for the professional evaluation of diagnostic tests or procedures which are provided without cost or at a discount whether such professional evaluation is made at the time of the initial office visit or at a later date.

(5) Nothing in this Section shall be so interpreted as to interfere with or prohibit fee discounts or offers of discounted fees in connection with any managed care plan, group plan, Medicare, or similar entity.

7. Request from Danuta Graj-Watkins, D.C. for termination of probation from public consent order, Docket Number 2008-0116 – Dr. Nelson made a motion to approve termination of probation. Dr. Baker seconded the motion and it carried unanimously.
8. Request from Raymond Roddy, D.C. re: request for reinstatement of lapsed license. Dr. Wren made a motion to deny request. Dr. Nelson seconded the motion and it carried unanimously.
9. Request from Rachel E. Moeser, D.C. re: termination of probation from public consent order, docket number 2009-2947. Dr. Baker made a motion to approve termination of probation. Dr. Wren seconded the motion and it carried unanimously.

## **Appointment**

10:00 a.m. – Dr. Rob Alpert

Dr. Alpert discussed with the board and provided information on Manipulation Under Anesthesia. Dr. Baker made a motion to post a New Chapter 100-18 – Manipulation under Anesthesia and a new Board Rule 100-18-.01 – Requirements for Authority to Perform Manipulation under Anesthesia. Dr. Wren seconded the motion and it carried unanimously.

New Chapter 100-18 Manipulation under Anesthesia.

New Rule 100-18-.01 Requirements for Authority to Perform Manipulation under Anesthesia.

(1) Basic entry-level Doctor of Chiropractic training often does not train chiropractors to manipulate patients in an anesthetized state of consciousness. In order for a Georgia licensed chiropractor to practice manipulation under anesthesia he/she must:

(a) have completed a training program at a CCE-accredited college or school or from a board approved program of not less than thirty-six (36) hours; Excellent see note at bottom

(b) have completed not less than four (4) proctored live training experiences; Reasonable and fair number

(c) have not less than \$200,000. in malpractice insurance. I would like to see 1 million in coverage but this is just my opinion. Since this such an advanced procedure more is better.

(2) The scope of practice of Georgia licensed chiropractors must always remain in compliance with Georgia law found in Title 43Chapter 9 of the Official Code of Georgia and the board's rules as found in Chapter 100.

### **Executive Director's Open Session – Ms. Anita Martin**

- Ms. Martin shared with the Board members that it has been a pleasure working with the board over the past years. Ms. Martin stated the Board has truly expressed candor, good will and professionalism.

### **Miscellaneous**

- Dr. Sallarullo stated on behalf of the Georgia Chiropractors and the Georgia Chiropractic Association; they would just like to say thank you to Ms. Martin for all of her help.

## **EXECUTIVE SESSION**

Dr. Wren made a motion, Dr. Baker seconded, and the Board voted to enter into **Executive Session** in accordance with O.C.G.A. §43-1-19(h)(2), 43-11-47(h) and §43-1-2(k) to deliberate on applications and enforcement matters and to receive information on applications, investigative reports and the Assistant Attorney General's report. Voting in favor of the motion were those present who included Dr. Nelson. The Board concluded the **Executive Session** in order to vote on these matters and continue with the public session.

### **Exective Session**

#1 – Request from V.V., D.C. petition to return to practice. – The Board recommended approval of the request.

### **Appointment**

11:00 a.m. – L.J.T. - Chiropractic Application – The Board recommended approval.

### **Applications:**

1. M.J.B. – Chiropractic Applicant –The Board recommended approval.
2. J.B. – Failed E & B Exam – The Board recommend denial of the request. The Board states applicant must retake the entire E & B Exam.
3. J.I.L. – Failed E & B Exam – The Board recommended to reopen the case and refer to the OIG - The case can be closed once the OIG delivers the report to the Board.
4. F.N. – Reinstatement Applicant – The Board recommended approval with a private reinstatement consent order.
5. J.S. – Applicant submitted reinstatement application at the Board meeting. The Board recommended approval under the reinstatement policy and to accept upon receipt.

**Attorney General's Report – Ms. Amy Morelli**

- Ms. Morelli updated the Board on the cases in her office. She provided for acceptance a Consent Order on Steven A. Levin, D.C., a Cease and Desist on Jeffrey Strickland. She further stated that she will file a Notice of Hearing for the May 2012 Board meeting on E.J.S, D.C.

**Investigative Committee Report – Drs. Mathiak and Wren**

The Board recommended accepting the Investigative Committee Report.

CHIR100035 – The Board recommended scheduling an Investigative Interview.

CHIR110041 – The Board recommended referring to the Attorney General's office for a Private Consent Order and to accept upon receipt

CHIR110045 – The Board recommended referring to the Attorney General's office for a Public Consent Order and to accept upon receipt.

CHIR110051 – The Board recommended referring to the OIG.

CHIR110053-The Board recommended sending case to Warren Jahn, D.C. for a Peer Review.

CHIR110054-The Board recommended referring to the OIG.

CHIR110077 – The Board recommended closing with no violation.

CHIR120003-The Board recommended keeping the case open until there is a disposition of the criminal case.

CHIR120004-The Board recommended scheduling an Investigative Interview.

CHIR120017 – The Board recommended closing with no violation.

CHIR120032 - The Board recommended to refer to the Attorney General's office for a Public Consent Order and to accept upon receipt.

CHIR120029 – The Board recommended referring to the Attorney General's office for a Public Consent Order.

CHIR120031 – The Board recommended accepting a signed Cease and Desist order

**Attorney General's Report – Ms. Amy Morelli-**

- Ms. Morelli provided to the Board for acceptance Consent Orders on David Henshaw, and Jennifer Adelhock.
- Ms. Morelli provided to the Board for acceptance a Consent Order on Steven Levine for Reinstatement.
- Ms. Morelli shared with the Board she would file a Notice of Hearing for the next Board meeting on E.J.S.

**OPEN SESSION**

Dr. Nelson motioned, Dr. Baker seconded and the Board voted to approve the recommendations made in Executive Session.

The Board meeting adjourned at 2:14 p.m.

Minutes recorded by:

Carol White, Board Support Specialist

Minutes reviewed and edited by:

Anita O. Martin, Executive Director